	, I		
1	KAMALA D. HARRIS		
2	Attorney General of California MARC D. GREENBAUM		
3	Supervising Deputy Attorney General MICHAEL A. CACCIOTTI		
١	Deputy Attorney General		
4	State Bar No. 129533 300 So. Spring Street, Suite 1702		
5	Los Angeles, CA 90013		
6	Telephone: (213) 897-2932 Facsimile: (213) 897-2804		
	Attorneys for Complainant		
7			
8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
9			
10	STATE OF C	CALIFORNIA	
11	To the National Coll. The A. A. a. I. I.A.		
.	In the Matter of the First Amended Accusation Against:	Case No. 2013-63	
12	LEONARDO MAZARIEGOS		
13	13910 Candlewood Drive	FIRST AMENDED ACCUSATION	
14	Sylmar, CA 91342		
15	Registered Nurse License No. 582629		
	Respondent.		
16			
17	Complainant alleges:		
18	<u>PARTIES</u>		
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this First Amended Accusation		
20	solely in her official capacity as the Executive Officer of the Board of Registered Nursing,		
21	Department of Consumer Affairs (Board).		
22	2. On or about June 29, 2001, the Board issued Registered Nurse License No. 582629 to		
23	Leonardo Mazariegos (Respondent). The Registered Nurse License was in full force and effect a		
24	all times relevant to the charges brought herein and will expire on December 31, 2014, unless		
25	renewed.		
26			
.27			
28			
	. •	•	

JURISDICTION

3. This First Amended Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 5. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- 6. Section 2750 provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 7. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . . "
- 8. Section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after the expiration.

REGULATORY PROVISION

9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct "

COST RECOVERY

10. Section 125.3 provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially Related Crimes)

- 11. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a registered nurse which to a substantial degree evidence his present or potential unfitness to practice in a manner consistent with the public health, safety, or welfare, as follows:
- a. On or about April 5, 2011, after pleading nolo contendere, Respondent was convicted of two (2) interlineated misdemeanor counts, Counts 3 and 4, of violating Penal Code section 415(2) [disturbing the peace] in the criminal proceeding entitled *the People of the State of California v. Leonardo Mazariegos* (Super. Ct. Los Angeles Count, 2010, No. 0SR05853). The Court sentenced Respondent to 30 days in jail, and in lieu of jail, ordered him to complete 18 days of Cal Trans, placed him on 36 months probation, ordered him to complete a 52 weeks domestic violence program. In addition, the Court issued to Respondent a protective order.
- b. The circumstances underlying the conviction are that on or about December 21, 2010, Respondent in an accusatory jealous rage struck his wife, twice in the face with closed fist, then, on the next day, December 22, 2010, told his wife that she was to resign from her job and he

drove his wife to her employment to resign while he waited in the car. As Respondent's wife was in fear for her life, she directed her employer to contact police on her behalf. Respondent was arrested.

- c. On or about August 2, 2011, Respondent was convicted of one (1) misdemeanor count of violating Penal Code section 166, subdivision (c) (1) [willful violation of a protective\stay away order] in a criminal proceeding entitled the People of the State of California v. Leonardo Mazariegos (Super. Ct. Los Angeles Count, 2011, No. 1SR02420). As a result of the conviction, the Court sentenced Respondent to 20 days in jail, and in lieu of jail, ordered him to complete 10 days of Community Labor, placed him on 36 months probation and ordered him to complete a 52 week domestic violence treatment program as well as obey the protective orders issued in this or any other case.
- d. The circumstances underlying the conviction are that on or about April 8, 2011,
 Respondent violated a protective order and stay away court order issued pursuant to section 136.2
 of the Penal Code in a pending criminal proceeding involving domestic violence.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

12. Respondent is subject to disciplinary action under section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 11, subparagraphs a through d inclusive, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License No. 582629, issued to Leonardo
 Mazariegos;
- 2. Ordering Leonardo Mazariegos to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

1	3. Taking such other and fu	orther action as deemed necessary and proper.	e ge
2			
3	DATED: APRIL 26, 2013	Jourse L. Saeles	and the second
4		LOUISE R. BAILEY, M.ED., RN Executive Officer Board of Registered Nursing	
5		Department of Consumer Affairs State of California	
6		Complainant	
7	LA2011601536 51030511.doc		
8	31030311.400		
9			
10			•
11			
12			
13	1		
14			
15			•
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
ا ۵			